

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL J. GILL,

Plaintiff,

v.

FINANCIAL INDUSTRY REGULATORY  
AUTHORITY and MERRILL LYNCH,  
PIERCE, FENNER & SMITH, INC.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: March 25, 2013

11 Civ. 2713 (PAC) (RLE)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

On April 21, 2011, Plaintiff Michael Gill ("Plaintiff") filed a Complaint against Defendants Financial Industry Regulatory Authority ("FINRA") and Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") asserting claims relating to a February 2011 arbitration. The Court referred the matter to Magistrate Judge Ronald Ellis on April 22, 2011. On September 26, 2011, FINRA moved to dismiss the Complaint, and on January 16, 2012, Merrill Lynch moved for summary judgment to dismiss the Complaint and to confirm the arbitration award. On March 6, 2013, Magistrate Judge Ellis issued a Report and Recommendation ("R&R") that the Court grant FINRA's motion to dismiss; grant Merrill Lynch's motion for summary judgment and motion to confirm the arbitration award; and dismiss Plaintiff's Complaint. (ECF No. 30.)

The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court may adopt those portions of the R&R to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). After being served with a copy of the magistrate judge's recommended disposition, a party has fourteen days to file specific written objections to the proposed findings

and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections to a report and recommendation results in waiver of those objections. See Thomas v. Arn, 474 U.S. 140, 155 (1985).

As of the date of this Order, the Court has not received any objections to the R&R. Thus, the Court reviews the R&R for clear error. Having found none, the Court hereby adopts the R&R in full. FINRA's motion to dismiss is GRANTED; Merrill Lynch's motion for summary judgment and to confirm the arbitration award is GRANTED; and Plaintiff's Complaint is DISMISSED. The Clerk of Court is directed to enter judgment in favor of each defendant and to close this case.

Dated: New York, New York  
March 25, 2013

SO ORDERED



PAUL A. CROTTY  
United States District Judge

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